

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

JESSIE MEDLIN, PRESIDENT 2002 PRESIDING

July 22, 2002

A. CALL TO ORDER

The July 22ND, 2002, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, Board President.

Chief Deputy Charlie Brown of the DeSoto County Sheriff's Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Supervisor Jessie Medlin-----District 1
Supervisor Eugene C. Thach-----District 2
Supervisor Gerald Clifton-----District 3
Supervisor John Caldwell-----District 4
Supervisor Tommy Lewis-----District 5
W. E. Sluggo Davis-----Chancery Clerk
Chief Deputy Charlie Brown-----Sheriff's Dept.
David Armstrong-----County Administrator
Bobby Chamberlin-----Board Attorney

B. INVOCATION

Board Attorney Bobby Chamberlin presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. OLD BUSINESS

E. NEW BUSINESS

1. Bids Under Advisement – Renovation on 2ND. Floor Administration Bldg.

County Administrator David Armstrong said the County received nine (9) bids for the renovation on the second floor of the Administration Building. The low bidder was TDL Contractors Inc. Purchasing Director Jeannine Ruby said an alternate was added to the bid for the pulling of cables for the computer systems.

Architect Marvin Johnson said they are recommending the County award the contract to the low bidder, TDL, and that TDL was familiar with the County's requirements on construction projects. Marvin Johnson said he had looked at the bid and the requirements were for a 90 day completion date with a \$1,000 a day liquidation damage fee. David Armstrong asked if the \$1,000 a day liquidation damage fee caused an increase in the bid prices. Marvin Johnson said yes, sometimes it does, but the installation of the carpeting and millwork portions of the contract are what usually cause a delay in the completion.

Supervisor Tommy Lewis asked District Attorney John Champion if he was satisfied. John Champion said yes, and said the expense for the renovation is the only cost to DeSoto County. The phone system would be expensed to Tate County and he was handling the cost of furniture.

ITEM E.1, CONTINUED,

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to approve awarding the contract, for the renovation for the District Attorney’s office on the second floor of the Administration Building, with alternate #1 to the low bidder TDL Contractors Inc. based on the following Bid Tab:

Bidder	Base Bid	Alternate#1	Total Bid
R. L. Campbell	\$198,000	\$3,062	\$201,062
Hasco, Inc.	\$197,250	\$3,900	\$201,150
Design Specialties Inc.	\$216,000	\$4,598	\$220,598
Murphy & Sons Inc.	\$190,000	\$4,319	\$194,319
Seiler Building Corp.	\$216,700	\$ 0	\$216,700
TDL Contractors Inc.	\$177,800	\$4,150	\$181,950
Omega General	\$217,478	\$3,000	\$220,478
Creative Construction Co.	\$263,000	\$8,000	\$271,000
Metro Construction Co.	\$190,500	\$2,235	\$192,735

The motion passed by a vote as follows:

Supervisor Jessie Medlin	NO
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

****See Exhibit E.1****

Supervisor Jessie Medlin said he felt that the space should be saved for expansion.

In accordance with Section 19-13-15 of the Mississippi Code Annotated, the value of the work done and material used in the performance of a contract, exceeding \$1,000.00, such value to be estimated by some competent person employed by the Board to superintend such work, and not until the superintendent shall furnish to the Board such estimate, in writing, or his oath as to the correctness of such estimate, which estimate, with the oath annexed thereto, shall be filed with and recorded in the minutes of the Board. Before such person employed by the Board shall enter upon the discharge of the duty of supervising such work, and before he shall furnish any estimate as to the value of the work done, he shall enter into bond in such penalty as may be fixed by the Board, with sufficient sureties, to be approved by the Board, and conditioned for the faithful performance of his duties as superintendent of such work, which bond shall be filed and preserved by the Board and shall be liable to suit. The Board shall not be bound by the estimate of such superintendent, nor shall the making of any partial payments on any public work, as above provided, be construed as an acceptance of the work and material so inspected by such superintendent. Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to appoint Jim Bearden as superintendent of the Administration 2ND floor renovation project. The motion passed by a unanimous vote.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to authorize the Board President to sign the contract with TDL contingent upon the Board Attorney’s approval. The motion passed by a unanimous vote.

2. Railroad Crossings at Nail Road and Starlanding Road

County Engineer Andy Swims appeared before the Board of Supervisors with Bob Bailey, Engineer from Pickering Engineering, to discuss the different construction options and expense for the Starlanding Road and Nail Road Railroad Crossings.

Supervisor Eugene Thach asked if the Railroad was responsible for the installation of signal lights at the crossings. Mr. Bailey said no, they will do the maintenance on the lights, but they

ITEM E.2, CONTINUED,

won't install there. Mr. Bailey said the County has to put in crossings and lights to the Railroad's satisfaction and the surface of the area of the tracks.

Mr. Bailey said Pickering Engineering's task was to determine estimates for five (5) different options on the Starlanding Road crossing and one option for Nail Road as follows:

<u>STARLANDING</u>	<u>COST</u>
Option 1 – Two Lane Underpass	\$3,386,762.52
Option 2 – Four Lane Underpass	\$4,134,762.50
Option 3 – Four Lane Bridge Over CN/IC Railroad	\$5,163,884.00
Option 4 – Two Lane Grade Crossing	\$1,059,630.00
Option 5 – Four Lane Grade Crossing	\$1,538,619.50

<u>NAIL</u>	<u>COST</u>
Option 1 – Five Lane Bridge Over CN/IC Railroad	\$2,375,890.00

Mr. Bailey said the existing railroad crossing structure is too low, so a portion of the railroad would have to be relocated. Mr. Bailey said the Railroad would not close down during the construction, which would require building a temporary reroute during the construction. Mr. Bailey said there is a spur track in Grenada that has to be serviced by this Railroad.

Supervisor John Caldwell asked if these prices include design fee. Mr. Bailey said these prices are for the construction of the railroad only, that it does not include any right of way purchases that might be necessary.

Mr. Bailey said that option 3 is for the railroad over the road with the tracks being 50ft. in the air and the requirements for property to do this would be expensive. Andy Swims said this would be the bridge length required to go over a four-lane road. Supervisor Tommy Lewis said this is not an option at this time.

Mr. Bailey said that the railroad grade crossings are options 4 & 5, but a bridge for the road would be required for drainage, plus the cost of signalization and lights. County Administrator David Armstrong asked if MDOT would be ok with these options. Andy Swims said MDOT would require additional grade separation at Nail Road and they would like to close one at grade crossing in another area of the County. Bob Bailey said the biggest source of liability is the at grade crossings.

Supervisor Gerald Clifton said once traffic increases from the I-55 interchange the County would need to have another overhead crossing on Starlanding Road. Andy Swims said that the rail traffic would increase once the Nissan Plant is in operation. Supervisor Jessie Medlin said the County has to be aware of the safety factor, but the County needs to be able to afford the expense. Supervisor Caldwell said the County can't add the at grade crossing on Starlanding unless they do the bridge on Nail Road.

Mr. Bailey said the County should consider the at grade crossing on Starlanding to be a temporary fix. Mr. Bailey said that for the issues of traffic and safety, option 2 is the best and they recommend this to the County.

Supervisor Tommy Lewis asked how much Federal money is available. David Armstrong said \$1.2 million Federal money has been allocated. Mr. Bailey said the two railroad crossings have to be worked together and that the bridge overpass on Nail has to be done first. Supervisor Caldwell said the Railroad has to approve all plans first.

Supervisor Caldwell said the County could do the Nail Road five lane bridge railroad crossing first before the Starlanding and in two years the County might be able to do the bridge crossing on Starlanding instead of the at grade crossing. Supervisor Caldwell said to get the approval from the Railroad to start the construction and to take the Federal money and use it on the Nail Road Bridge. Supervisor Caldwell said do this would save the County money in the long run, since we would be only spending \$3.9 million for the construction solutions. Supervisor

ITEM E.2, CONTINUED,

Eugene Thach said the Federal money was awarded to the County for the Starlanding Road Crossing and since this is just a one-lane road under the railroad it is dangerous. Supervisor Caldwell said if the County spends \$5 million to do the Starlanding Bridge, we would have to forget Nail. Supervisor Gerald Clifton said the County should look at doing both locations for \$5 million together and this would be a perfect solution for the County.

Supervisor Tommy Lewis asked what the chances are of getting more Federal money to do both locations of railroad. Supervisor Caldwell said the Board could approve the work for Nail Road and start work on securing more Federal funds during this time. Supervisor Caldwell said the construction and design cost for the Nail Road Bridge would be \$2.5 million. Supervisor Clifton said there would not be any right of way expense on Nail Road. Mr. Bailey said the Federal money was a grant with no match required by the County.

Supervisor Caldwell said Starlanding has four school buses a day to cross the tracks and Nail Road has more. Supervisor Jessie Medlin said the growth of the County has caused the increase for roads in the County. Supervisor Caldwell said the County has two options; option one, it would cost \$1.5 million less to do as both projects and do a temporary fix at Starlanding; option 2, the County could to the Starlanding crossing and let the City of Horn Lake do the Nail Crossing.

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to authorize the Engineer's and the County Administrator to communicate the recommendations to the Railroad to get approval.

Supervisor Jessie Medlin asked what was Horn Lake's estimate for the grade railroad crossing repair and maintenance during the widening of Nail Road. Supervisor Clifton withdrew his second of the motion and asked to let this item carry over until the August 5, 2002, Board meeting. Supervisor Caldwell withdrew his motion.

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to carry this item over until the August 5, 2002, Board meeting. The motion passed by a unanimous vote. ****See Exhibit E.2****

3. Bid Opening – Getwell Road

County Consulting Engineer Daniel Murphy appeared before the Board of Supervisors to open the Bid for DeSoto County Project No. CO-17 (8), Grade, Drain, and Base for Getwell Road. Daniel Murphy said the County received five (5) Bids listed of the following Bid Tabulation:

<u>Bidder</u>	<u>Amount</u>
BOEP Earthmovers, Inc.	\$294,275.26
Union Construction	\$312,049.70
Buddy Ayers Construction Co.	\$359,609.20
Madden Phillips Construction Inc.	Not Applicable due to Addendum not included.
Shultz Brothers Inc.	Not Applicable not addressed to BOS.

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to take the Bids under advisement. The motion passed by a unanimous vote.

Later in the meeting Daniel Murphy returned with the Bids for the DeSoto County Project No. CO-17 (8) Getwell Road. Daniel Murphy said all bids have been verified and the bids did not change, therefore he is recommending awarding the bid to the low bidder BOEP in the amount of \$294,275.26.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to accept the low bidder BOEP, based on the recommendation of County Consulting Engineer Daniel Murphy, in the amount of \$294,275.26, for the DeSoto County Project No. CO-17 (8) Getwell Road. The motion passed by a vote as follows:

ITEM E.3, CONTINUED,

Supervisor Jessie Medlin	NO
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

Supervisor Jessie Medlin said he thought the County Road crews could do this job in the next 3 weeks or month. ****See Exhibit E.3****

4. Master Plan Update

Planning Commission Director Merritt Powell gave the Board of Supervisors a copy of the DeSoto County Comprehensive Plan Work Schedule. Merritt Powell introduced Larry Smith, William Peacock and Shelley Johnstone representatives from CMPDD.

Mr. Smith said they have assigned nine (9) tasks to the DeSoto County Master Plan. Mr. Smith said that task #4 will require them to ride the roads in DeSoto County to determine the existing land use and this task will be completed by August 31, 2002. Mr. Smith said the State Law requires them to look 20 to 30 years in the future to determine trends and that DeSoto County is growing so fast, trends should be reviewed every 5 years to do an update.

County Administrator David Armstrong said the County plans to do aerial photos every 2 to 5 years. Supervisor Eugene Thach said the County should be on a five-year cycle. Merritt Powell said the recommendation for DeSoto County is every 5 years.

Mr. Smith said that CMPDD's goals and objectives for the project requires, and State Law requires, them to look at zoning regulations, land use, transportation and public facilities. Mr. Smith said that out of the 82 Counties in Mississippi only 7 Counties have zoning regulations and that DeSoto County was the First County to establish zoning in 1958. Mr. Smith said that zoning helps preserve the property values in a County.

Mr. Smith said the first Public Hearing for the Comprehensive Plan is scheduled for September 17, 2002, at 7:00 p.m. The second Public Hearing will be on November 14, 2002, at 7:00 p.m. Supervisor John Caldwell asked if the public hearing was to hear what the County plans are, the County may need to have a second meeting to discuss the public's concerns.

ITEM E.4, CONTINUED,

Mr. Smith said the plan schedule is as follows:

Task No.	Description	July	Aug	Sept.	Oct.	Nov.	Dec.
1	Review & Access Past Planning Efforts of DC	Complete					
2	Preparation of Base Map of DC (unincorporated)	Expect Waggoner Engineering to deliver balance of base maps of unincorporated area by July 31, 2002					
3	Incorporated Traffic analysis zones into base map	Task Eliminated Will compile data & projections by Census Tract & Block Group					
4A	Inventory of Existing Land Use	To be completed August 31, 2002					
4B	Prepare existing land use map; calculate land use acreage by land use category; compile dwelling unit counts by census tract & block group	Complete by September 30, 2002					
5A	Develop population & employment estimates (2002) by census tract & block group	Complete by Sep.30 (County wide total 2002 estimates of population will be produced, plus 2002 estimates of population by census tracts & block group for the unincorporated portion of DC based upon dwelling unit counts in unincorporated areas. Employment estimates will be produced based upon existing land use acreage)					
5B	Develop population & employment projections to year 2030	Complete by October 31, 2002 (County wide projection of population will be produces, plus population projection in 5 year increments to 2030 by census tract & block group; these population projection by CT & BG will be based in part upon the preliminary land use plan. Employment projection to the year 2030 will also be based upon the preliminary land use plan)					
6	Goals & Objectives Element:	Questionnaires have been returned & results will be presented to DC Planning Comm. In Aug., along with a review of selected current demographic trends. Present “probable scenario” if current trends in population & employment growth continue: Present preliminary County wide population & employment projections to Planning Comm. in September. Present 2002 population estimates by census tract & block group to Planning Comm. in Oct. Based upon questionnaire results & an analysis trends, begin consideration of certain land use, transportation & public facilities issues Present population & employment projection to Planning Comm. in Nov. Present proposed action plan to Planning Comm. in Dec. for final recommendations to BOS. HOLD PUBLIC HEARING ON ENTIRE PLAN IN DEC. FOLLOWING FINAL PLANNING COMM. RECOMMENDATIONS Present preliminary land use plan to Planning Comm. in Oct. Revise in Nov. and present final proposed land use plan in Dec. Present preliminary transportation plan to Planning Comm. in Oct. Revise in Nov. and present final proposed land use plan in Dec.					
	Step 1: Profiling the Community: “Where are we now?”						
	Step 2: Analyzing the Trends: “Where are we going?”						
	Step 3: Creating the Vision: “Where do we want to be?”						
	Step 4: Developing an Action Plan: “How do we get there?”						
7	Land use plan for unincorporated DC						
8	DeSoto County Transportation Plan						
9	Community Facilities Plan	Shelly Johnstone is conducting an inventory of present public facilities and is discussing needs with County officials. Preliminary Public Facilities Plan will be presented to Planning Comm. in Oct. Revise in Nov. and present final proposed Public Facilities Plan in Dec.					

Supervisor Jessie Medlin asked if the plan was a 20 year plan, since the County’s goal is to consider a 20/30 year plan. Mr. Smith said this is what they are working for. David Armstrong asked if the third public hearing would be the final one in December. Mr. Smith said that is what we are planning for.

Supervisor Eugene Thach asked if the subdivision updates would be included. Mr. Smith said they would be making recommendations, but the details for the adoption comes after the final

plan has been adopted. Supervisor Tommy Lewis asked if they would provide land use
ITEM E.4, CONTINUED,

recommendations regarding density. Mr. Smith said the guide to this would be the sewer system and it has to be looked at in detail. Supervisor Lewis asked if the new Hwy 304 would be looked at. Mr. Smith said yes, for the transportation plan. Supervisor Lewis said the State has committed to build Hwy 304 across the County. Merritt Powell said they have discussed only one alignment, but we need to look at all three.

Supervisor John Caldwell said if the sewer system would determine the size of lots in the County, this is not what the Board wants. Mr. Smith said they plan to preserve the property values because of the sewer system and not recommend small lot sizes. Merritt Powell said other issues would still have to be addressed along the time frame for completion of the plan. David Armstrong asked when the project completion date would be. Mr. Smith said December 31 is when the Final Public Hearing is needed and then allows time for public input.

Supervisor Jessie Medlin said the Board appreciated Mr. Smith and Mr. Peacock coming to give this update. Mr. Smith said they appreciated the invitation to present this to the Board. No motions were made on this item. ****See Exhibit E.4****

5. Approval of Recording of Mother-In-Law Wings

Planning Commission Director Merritt Powell addressed the Board regarding permits issued to property owners for additions to single family residences for a Mother-In-Law wing. Mr. Powell said the problem arises when the homes are sold and the next owner uses these additions as rental apartments. Mr. Powell said he would like to file a document with Chancery Clerk that would follow the property stating the original restrictions that would be applicable when a title search is done on the property. Mr. Powell gave a copy of form drafts they have designed for this purpose. Mr. Powell said there are two forms, one for existing homes requiring an addition, and one for construction of homes requesting the addition.

Supervisor Jessie Medlin said he had received a call from a County resident, who was concerned about property located close to her that was being used as rental property. Supervisor Tommy Lewis said if the County ordinance states single family residences, it is already illegal to rent. Mr. Powell said most families do not rent out, but once the original owner sells the property, the County has no control. Supervisor Eugene Thach said the County doesn't get involved once the home is built, since the County has no way of knowing unless someone brings the problem to the County. Mr. Powell said a document on file with the Chancery Clerk, would help control the problem.

Supervisor John Caldwell said the title at the top of the page on the form needs to be different so that the property owner signs the correct form. Board Attorney Bobby Chamberlin said besides the change of title issue, there should be a place at the top of the form that would give the description of the property. Supervisor Thach said the form should emphasize the statement "No Rental Applicable". David Armstrong said the statement on the form regarding "FOR IMMEDIATE FAMILY MEMBERS ONLY" is a good place to also include the "NO RENTAL ACCOMMODATION" statement.

Supervisor John Caldwell made the motion and Supervisor Eugene Thach seconded the motion to approve the document with the recommended changes in the heading and to add a space for property descriptions necessary and file at the Chancery Clerk's office.

The Board discussed the issues for the proper use for a mother-in-law wing being used. They also discussed the use of guesthouses in subdivisions. Board Attorney Bobby Chamberlin said the document should cover problems that the Planning Commission has on building and selling of homes. This would not supersede any covenants already in existence. Bobby Chamberlin said he would work with Merritt Powell to give the language necessary for the form.

Supervisor John Caldwell withdrew his motion and Supervisor Eugene Thach withdrew is second.

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion

ITEM E.5, CONTINUED,

to carry this item over until the Board Attorney makes adjustments to the form. The motion passed by a vote as follows:

Supervisor Jessie Medlin	NO
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

****See Exhibit E.5****

6. Request for Extension – John Carson – Planning Commission

Planning Commission Director Merritt Powell said John Carson, 11996 Miller Road, Olive Branch, MS has asked for an eight to ten month extension on his building permit. Supervisor Eugene Thach asked Mr. Powell what he recommended. Mr. Powell said he would recommend the extension.

Supervisor Eugene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the building permit extension for 12 months based on the recommendation of the Planning Commissioner Merritt Powell, to John Carson, 11996 Miller Road, Olive Branch, MS. The motion passed by a unanimous vote. ****See Exhibit E.6****

7. Making MS Tort Claims Board’s Certification of Coverage a Part of the Minutes

Board Attorney Bobby Chamberlin said the Mississippi Tort Claims Board has reviewed the County’s plan coverage against exposure to risks as set forth in Chapter 46, Title 11, Mississippi Code 1972, and issued the County a Certificate of Coverage stating the County’s plan meets the requirements of Code. Bobby Chamberlin said the Certificate should be made a part of the Board’s minutes.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to approve making the Certificate of Coverage issued by the Mississippi Tort Claims Board as part of the Board’s minutes. The motion passed by a unanimous vote. ****See Exhibit E.7****

8. Safety Officers Monthly Report

County Administrator David Armstrong said, Safety Officers Tim Curtis and Jim Green have sent their monthly reports for the Board’s review. David Armstrong said the need for a defensive drivers training has been recommended to help employees who operate emergency vehicles, since this is an area where most accidents happen for the County. David Armstrong said that Bobby Storey has been trained in this area, but someone from the Sheriff’s Department should handle the training for that department.

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to approve the Safety Officers monthly reports and make them a part of the minutes. The motion passed by a unanimous vote. ****See Exhibit E.8****

9. Comptroller Joyce Riales

a. Supplemental Claims Docket

Stephanie Hanks of the Accounting Department presented the supplemental claims docket showing claims that need to be paid for various departments as of July 22nd. In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to authorize the Chancery Clerk to pay the bills, in the amount of

\$559,458.63, as presented by Ms. Hanks, but to hold the check to Seiler Construction until the committee to inspect the Courthouse Renovation completes the walk through and authorizes the check’s release.

ITEM E.9.a, CONTINUED,

Supervisor Jessie Medlin asked if the County was through with the Courthouse. Vanessa Lynchard, Director of Administrative Services, said the last bills have come through. Stephanie Hanks said the bills are on this docket. Vanessa Lynchard asked if the Board wants to hold the check until the Supervisors could do a walk through of the Courthouse. Supervisor Jessie Medlin and Supervisor Eugene Thach said they would do a walk through the Courthouse today and advise Ms. Lynchard so the check could be mailed.

b. Investment of Surplus Funds

In accordance with Section 19-2-29 of the Mississippi Code, which states that whenever any county shall have on hand any bond and interest funds, any funds derived from the sale of bonds, special funds, or any other funds in excess of that required to meet the current needs and demands of no more than seven (7) business days, the Board of Supervisors of such county shall invest such excess funds.

Supervisor Jessie Medlin made the motion and Supervisor Gerald Clifton seconded the motion to approve the investment of surplus funds to Peoples Bank & Trust, the high bidder to place their bid on time for funds as follows:

<u>Date of Investment</u>	<u>Bank</u>	<u>Amount</u>	<u>Maturity Date</u>	<u># of Days</u>	<u>Interest Rate</u>	<u>CD#</u>
7/02/02	Peoples Bank	\$5,000,000	9/25/02	85	1.795%	2192639996

The motion passed by a unanimous vote.

Supervisor John Caldwell made the motion and Supervisor Gerald Clifton seconded the motion to approve the investment of surplus funds to Peoples Bank & Trust, the high bidder to place their bid on time for funds as follows:

<u>Date of Investment</u>	<u>Bank</u>	<u>Amount</u>	<u>Maturity Date</u>	<u># of Days</u>	<u>Interest Rate</u>	<u>CD#</u>
7/12/02	Peoples Bank	\$4,800,000	9/04/02	54	1.96%	2192640004

The motion passed by a unanimous vote. ****See Exhibit E.9.b****

c. Interfund Transfer of Metro Seized Funds

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to authorize and instruct the Chancery Clerk, pursuant to Section 41-29-185 of the Mississippi Code of 1972, as amended, to transfer the following forfeited funds that were seized by Metro Narcotics:

<u>Case Number</u>	<u>Defendant</u>	<u>Date Seized</u>	<u>County Receipt</u>	<u>Amount</u>
DC-02-0126	Theodoric D. Mabone	5/2/02	13500	\$ 186
DC-02-0132	Brandon Pettis	5/14/02	13500	\$ 45
DC-02-0133	Billy Anderson	5/21/02	13500	\$1,589
DC-02-0132	Dewayne W. Jones	5/14/02	13500	\$ 400
			Total	\$2,220

Transfer From	123-900-950	Metro Narcotics Seized	\$2,220.00
Transfer To	105-000-384	Metro Narcotics Forfeitures	\$2,220.00

The motion passed by a unanimous vote. ****See Exhibit E.9.c****

10. Ask Legislature for a Local & Private between DeSoto County & Interfaith Food Bank, Hernando

Supervisor Tommy Lewis said he would like for the Board to secure from the Legislature a local and private agreement between the Supervisors and all of DeSoto County organizations
ITEM E.10, CONTINUED,

that are assisting the needy in the County. Supervisor Lewis said this would let the County provide a building for these services at no charge if the County has extra space.

Supervisor John Caldwell said this allowing the use of a government building, we leave certain areas of the County out due to lack of space. Supervisor Caldwell said that charitable organizations all want a location to use, so how would the Board choose? Supervisor Eugene Thach said that churches have benevolent funds that help needy people and that churches also give to organizations for the needy.

Supervisor Caldwell said he has no problem with the Board allowing the use on a limited time basis. Supervisor Lewis said he didn't have a problem with the time limit.

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to approve seeking a Countywide Local & Private Agreement with Charitable Organizations for a time limit of eleven months and twenty-nine days from the Legislature. The motion passed by a unanimous vote.

11. Approval of Circuit Court Preventative Maintenance Agreement for Mobile Shelving System

County Administrator David Armstrong said the Circuit Clerk has requested approval to purchase a preventative maintenance agreement for the mobile shelving system. The annual price is \$144.00 and this will cover labor and two preventive maintenance calls. David Armstrong said if they don't have this agreement, the charge would be \$110.00 per hour plus mileage.

Supervisor John Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the purchase of the preventative maintenance agreement for mobile shelving system for the Circuit Clerk's office in the amount of \$144.00 for a term of August 3, 2002 to August 3, 2003. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	ABSENT

****See Exhibit E.11****

12. Amending Section 13.101 of Personnel Policy

County Administrator David Armstrong said Vickie Richmann had brought to his attention the wording in the Personnel Policy section 13.101, which refers to all regular full-time employees, working thirty or more hours per week. David Armstrong said this should read thirty-five or more hours per week to coincide with other definitions of a full time employee.

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to approve amending section 13.101 of the personnel policy to read thirty-five hours. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	ABSENT

****See Exhibit E.12****

ITEM E, CONTINUED,

13. Making Closing Memo for \$10M Line of Credit from MDB a Part of the Minutes

County Administrator David Armstrong said the County has received the transcript for the second \$10,000,000 Promissory Note DeSoto County, Mississippi Funded from Proceeds of \$125,000,000 Mississippi Development Bank Special Obligation Bonds, Series 2001A(Capital Projects and Equipment Acquisition Program). David Armstrong said this closing memo should be made a part of the Board's minutes.

Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to approve making the closing memo and transcript for the \$10,000,000 Promissory Note DeSoto County, Mississippi Funded from Proceeds of \$125,000,000 Mississippi Development Bank Special Obligation Bonds, Series 2001A(Capital Projects and Equipment Acquisition Program) a part of the Board minutes. The motion passed by a unanimous vote. ****See Exhibit E.13****

14. Stateline Road – Russell Dorris

Road Manager Russell Dorris said he had been asked by the Board to address the Mayor of Olive Branch about the improvements and maintenance required on Stateline Road between Pleasant Hill and Davidson Roads. Mr. Dorris said he relayed the message from the Board that if the City of Olive Branch would pay for one-half of the cost of asphalt overlay that the County would pay the other half. Mr. Dorris said the cost for this project would \$70,000 for the asphalt overlay and that Mayor Rikard agreed to pay for one-half the cost of the project, but it would be in the 2003 budget year before the funds would be available. Mr. Dorris said he recommended the County proceed with the asphalt overlay.

Supervisor Jessie Medlin made the motion and Supervisor Gerald Clifton seconded the motion to authorize the Board Attorney to research the current interlocal agreement with the City of Olive Branch to see if the agreement for the City to pay for one-half the cost of \$70,000, for the asphalt overlay to Stateline Road between Pleasant Hill and Davidson Road could be incorporated with this interlocal agreement or to draw up an interlocal agreement for this project. The motion passed by a unanimous vote. ****See Exhibit E.14****

15. Kevin Ponds – 3835 Hillsdale Drive, Olive Branch, MS

Supervisor Eugene Thach said he would like to bring a project to the Board that in the past the County could not do on private property. Supervisor Thach said now that the Legislature has allowed the County to do work on private property, Mr. Kevin Ponds, a DeSoto County resident, would like the County's assistance on Hillsdale Drive. Supervisor Thach said he had asked the County Road Manager Russell Dorris to look at this area to discuss with the Board. Russell Dorris distributed pictures of the area he had taken.

Supervisor John Caldwell asked if there was any question about the County causing the drainage problem. Supervisor Thach said the County has put down grass and slopped the area, but water still backs up and washes out the yard. Supervisor Caldwell asked who put in the cross drains. Russell Dorris said the developer for the subdivision. Supervisor Thach said the County has put headers on the road and cleaned out the ditch on Hillsdale. Now all the water is going to the back of the ditch that does not have riprap on the ditch and is washing out the property owner's yards. Russell Dorris said the developer piped water underneath the road. Supervisor Tommy Lewis asked is this was the drainage area of the subdivision. Russell Dorris said it is a natural drainage area from the pipes under the road.

Kevin Pond said he has lived in this location for 12 years and that work was done 4 or 5 years ago by the County on the road when the homeowner across the road from him was flooded. Mr. Pond said the work was started on the road, but never completed and that he is losing ditch space by erosion every year. Supervisor Caldwell asked Mr. Pond what he feels needs to be done. Mr. Pond said where the turn is made, that a portion of the ditch should be

filled in, then sod the area and do riprap in the turn. Supervisor Caldwell said, after the repair is

ITEM E.15, CONTINUED,

made, down the road the erosion could happen again. Russell Dorris said the County could do a catch basin and pipe this into the ditch. Supervisor Thach said to put down the riprap at the output to help the erosion. Russell Dorris said he could install a filter cloth when they do the work that would help the erosion.

Supervisor Jessie Medlin said that the new law requires that the County testify the road caused the problem to the adjacent property of the landowner. The Board having made a finding of fact that the County caused the drainage problem on the private property when the road flooding problem was repaired, Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to authorize the Road Manager to repair with filling the eroded ditch, adding seed matting sod, stabilize the ditch area and add riprap to the ditch. All expense will come from the road budget and Mr. Kevin Pond, 3835 Hillsdale Drive, Section 27, Township 1 South, Range 7 West, DeSoto County MS will attest to an agreement that the repairs have been done to his final satisfaction. The motion passed by a unanimous vote. ****See Exhibit E.15****

16. Bridgetown Fire Truck – Bobby Storey

Bobby Storey, Director of Fire & EMS, appeared before the Board of Supervisors to inform the Board that the Bridgetown Fire truck would be delivered on August 8, 2002. Bobby Storey said he has a check in the amount of \$187,348.60 from the Bridgetown Fire Department to be given to the comptroller, but the total amount due would be \$237,348.60.

Supervisor Jessie Medlin made the motion and Supervisor Tommy Lewis seconded the motion to approve the acceptance of the check from the Bridgetown Fire Department in the amount of \$187,348.60 and to authorize the clerk to write the check for \$237,348.60 upon receipt of the new fire truck on August 8, 2002.

Supervisor Jessie Medlin made the motion and Supervisor John Caldwell seconded the motion to recess until 1:20 p.m. The motion passed by a unanimous vote.

17. Approval to make Audit of the Horn Lake Creek Basin Interceptor Sewer District a Part of the Minutes

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to approve making the Audit of the Horn Lake Creek Basin Interceptor Sewer District a part of the Board Minutes. The motion passed by a unanimous vote. ****See Exhibit E.17****

18. Redistricting Plans – Department of Justice

Board Attorney Bobby Chamberlin said the County has received notice of full approval by the Justice Department of the 2002 Redistricting Plans for the Board of Supervisors, Election Commissioners, Justice Court Judges and Constables and the 2002 Redistricting Plan for the DeSoto County School District in DeSoto County, Mississippi that was submitted to the U. S. Department of Justice pursuant to Section 5 of the Voting Rights Act, 42 U. S. C. 1973c.

Bobby Chamberlin said the County Voting Precincts are a different issue and they have not been submitted for approval. County Administrator David Armstrong said the Board has a contract with the Circuit Clerk on the County Voting Precinct Redistricting.

Supervisor Eugene Thach made the motion and Supervisor John Caldwell seconded the motion to accept the approval by the Justice Department of the 2002 Redistricting Plans for the Board of Supervisors, Election Commissioners, Justices of the Peace and Constables and the 2002 Redistricting Plan for the DeSoto County School District in DeSoto County, Mississippi that was submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U. S. C. 1973c and to make it a part of the Board minutes. The motion passed by a unanimous vote. ****See Exhibit E.18****

ITEM E, CONTINUED,

19. Approval of Disposition of Inventory

The Board of Supervisors were given a list of equipment owned by the County that is either unrepairable or not cost effective to repair. Supervisor Jessie Medlin made the motion and Supervisor Gerald Clifton seconded the motion to accept receipts from the Inventory Clerk pursuant to Section 31-7-107 of the Mississippi Code and did approve the disposition on the report as noted on Exhibit E.19 as follows:

Property #	Description	Serial #
08081	Sharp Fax Machine	27127642
3326	IBM Typewriter	N/A
9060	IBM Typewriter	GOET 33731
108	Royal 300PD	75448689
106	Royal 100P	41126514
107	Victor 610	5814-715
196	Canon P102 Cal.	2E37319
1039	Brother Fax Mach.	MS1986421
10059	Backpack Sprayer	
11195	Fax Machine	
1067	Fahrenheat Heater	10650
1068	Heater	
1069	Heater	Model 3UG67
1070	Heater	Model 3UG67
12103	110 A/C Window Unit	
4089	Bora Purifier	63127
4093	Bora Purifier	80736
9032	IBM Typewriter	166-0003
11186	Maxon Radio	
11187	Maxon Radio	
11185	Maxon Radio	
11061	Midland Radio	

The motion passed by a unanimous vote. **See Exhibit E.19****

20. Advertising County Resources

Supervisor Tommy Lewis asked Vanessa Lynchard, Director of Administrative Services to speak on this item.

Vanessa Lynchard said Ms. Kerri Suzanne Todd, a Hernando High School student, has requested assistance from the Board of Supervisors for sponsorship to participate in the Ms. Teen Memphis pageant. Supervisor John Caldwell said she should be noted as a DeSoto County resident in the pageant.

Supervisor Tommy Lewis made the motion and Supervisor Gerald Clifton seconded the motion to advertise DeSoto County Resources by contributing \$ 250.00 to Kerri Suzanne Todd. In accordance with Section 17-3-3, of the Mississippi Code of 1972, the Board of Supervisors did make a determination that the above request would advertise the resources and possibilities of DeSoto County and thereby advance the moral, financial and other interests of DeSoto County. The Board of Supervisors noted that a pin must be worn during the competition, advertising the resources of DeSoto County. The motion passed by a unanimous vote. ****See Exhibit E.20****

21. Authorization to Sign Purchase Requisitions

The Mississippi Code, Section 31-7-101, states the Supervisors of each County in the State shall establish a Central Purchasing System, with approval of the Board of Supervisors, and shall authorize personnel to sign purchasing requisitions when necessary. Supervisor Jessie Medlin made a motion and Supervisor Tommy Lewis seconded the motion to authorize

ITEM E.21, CONTINUED,

Leeann Elrod and Stanley Rochell to sign purchase requisitions and for Bonnie Gatlin being removed from the Purchasing list to sign requisitions, from the County departments as follows:

- a. Leeann Elrod – BOS
- b. Bonnie Gatlin – BOS Remove from Purchase Requisitions – County Admin.
- c. Stanley Rochell – Central Maintenance

The motion passed by a unanimous vote.

22. T. H. Walker – Drainage Problems at Nesbit Fire House

T. H. Walker, Director of Civil Defense, addressed the Board of Supervisors regarding a drainage problem at the Nesbit Volunteer Fire Station 1, 1069 Dean Road, Hernando, MS, which is used by the Civil Defense as a storage location for equipment. Mr. Walker said a part of the contract lease agreement requires that the lessee, in lieu of monetary payment of any lease amount, maintain any maintenance for the facility.

County Administrator David Armstrong asked Mr. Walker if he had contacted Road Manager Russell Dorris or the County Engineer Andy Swims to look at this problem at the facility. Mr. Walker said no, that he had just gotten some preliminary costs for the Civil Defense, but the proposal he received was for \$3,400. Mr. Walker said this was more than he was expecting and he wanted to request the County to do the repairs. David Armstrong said to do the job should be contingent upon the County Engineer's recommendation and that there were funds in the Operations and Maintenance budget for parking lot repairs. Supervisor Tommy Lewis said the County has to own the building before we can do the work. Supervisor John Caldwell said the Nesbit Fire Department owns the building. Board Attorney Bobby Chamberlin said the lease spells out authority for the County to make the improvements, but the County can not do too much above the lease market value.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to authorize up to \$3,400 for repair to the Nesbit Volunteer Fire Station 1, 1069 Dean Road, Hernando, MS, subject to the concurrence with the County Engineer. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	NO
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	YES
Supervisor Tommy Lewis	YES

Supervisor Eugene Thach said the County Engineer should inspect project and make a recommendation to the DeSoto County Board of Supervisors. **** See Exhibit E.22****

23. Chancery Clerk Allowance

County Administrator, David Armstrong, presented on behalf of the Chancery Court Clerk, W. E. Davis, a Court approved order of Allowances to the Board of Supervisors for the July, 2002 term in the amount of \$1,346.00. Supervisor Gerald Clifton made the motion and Supervisor Eugene Thach seconded the motion to approve these payments, pursuant to Section 25-7-9 of the Mississippi Code of 1972, Annotated. The motion passed by a unanimous vote. ****See Exhibit E.23****

F. EXECUTIVE SESSION

The executive session portions of these minutes are recorded under the portion of the minutes called "Executive Session".

CONTINUED,

G. OTHER ISSUES

1. Regional Utility Authority

Supervisor Tommy Lewis made a statement to those present that the Board has authorized the Regional Utility Authority Board to enter into purchase negotiations for property, based on the

Corp of Engineers approval of the site. Supervisor Lewis said the expense would be 75% Federal and 25% County funds. Board Attorney Bobby Chamberlin said the County has authorized making an offer if the Corp of Engineers approves and then cut the check if the offer is accepted. No motions were made on this item.

2. Fairhaven Building

Board Attorney Bobby Chamberlin said he was requested by the Board of Supervisors to obtain a Fair Market Rental Value for the old Fairhaven Fire Department, so that the facility could be rented to the Olive Branch Thrift Store. Bobby Chamberlin said his recommendation is to assess rent within the \$500 to \$700 per month and for the renter to pay the cost of utilities.

Supervisor Jessie Medlin said they have offered to pay \$400 per month rent and to take their funds to help with the renovations of the building. Supervisor Eugene Thach said they also wanted a 10 year lease, but this Board can not do this. Supervisor Medlin asked if the Board could do an agreement and use the funds they have. Bobby Chamberlin said the Board has the option of the \$250 per month cushion to use as the County sees fit. Supervisor Thach asked if the money they use for the renovation could be applied toward the rent. Supervisor Medlin said the City of Olive Branch has committed to pay the utilities for the Thrift Shop. Bobby Chamberlin said that any contract this Board has with the Thrift Shop is only allowable until the end of the Board's term.

Bobby Chamberlin said the Board must declare the fire department as surplus property and rent it at fair market value. Bobby Chamberlin said he would research to see how the money for renovations could be handled. Supervisor John Caldwell asked if there is a requirement to advertise. Bobby Chamberlin said the Thrift Shop falls under groups to whom the building could be rented.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to declare as surplus property and authorize the Board Attorney to meet with Peggy Linton, a representative of the Thrift Shop, regarding the \$500 a month lease until January 1, 2004, with the agreement they are responsible for the utilities, and to work out the cost on the renovations. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	ABSENT
Supervisor Tommy Lewis	YES

3. Interlocal Agreement with the Olive Branch Firing Range

Board Attorney Bobby Chamberlin said the Interlocal Agreement with the Olive Branch Firing Range has been approved by the Justice Department and the Board of Supervisors need to authorize the Board President to sign the agreement.

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to authorize the Board President to sign the Interlocal Agreement with the Olive Branch Firing Range. The motion passed by a unanimous vote.

ITEM G, CONTINUED,

4. City of Hernando

County Administrator David Armstrong said the Board has received a request from the City of Hernando to purchase a drainage pipe at the County's bid price, to be installed by the City at different locations in the City.

Board Attorney Bobby Chamberlin said the Board of Supervisors could allow this request from the City of Hernando.

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve the request from the City of Hernando to purchase, from DeSoto County, drainage pipes at the County's bid price, to be installed by the City at different locations in the City. The motion passed by a unanimous vote. ****See Exhibit G.4****

5. Travel Expenses – NACO

Supervisor Tommy Lewis made the motion and Supervisor John Caldwell seconded the motion to approve travel reimbursement to the Board of Supervisors and officials for the NACO Conference. The motion passed by a unanimous vote.

6. Final Approval of State Aid Roads – Getwell & Fogg Roads

County Engineer Consultant Daniel Murphy appeared before the Board of Supervisors to recommend the final approval on State Aid Project No. SAP-17(5)M for Fogg and Getwell Road, which was done by Lehman-Roberts Company.

Supervisor John Caldwell made the motion and Supervisor Tommy Lewis seconded the motion to authorize the Board President to sign for the final approval, based on the recommendation of the County Engineer Consultant Daniel Murphy, on State Aid Project No. SAP-17 (5) M for Fogg and Getwell Road, which was done by Lehman-Roberts Company. The motion passed by a unanimous vote.

7. Training Seminar – County Road Manager

Road Manager Russell Dorris appeared before the Board of Supervisors requesting approval to attend a three-day seminar in Jackson, MS on August 6th. thru 8th, 2002. Mr. Dorris said there would be no cost to the County for this event.

Supervisor Eugene Thach made the motion and Supervisor Gerald Clifton seconded the motion to approve Road Manger Russell Dorris attending a three-day seminar to be held in Jackson, MS on August 6th thru 8th, 2002. The motion passed by a unanimous vote.

8. Civic Center Appointment

Supervisor John Caldwell made the motion to appoint Bobby Wilson to the Civic Center Board. Supervisor Jessie Medlin asked if she was a member of the DeSoto Council as this was a requirement of the appointment. Supervisor Caldwell said not yet. The motion failed for a lack of a second.

9. Marvin Johnson

Supervisor John Caldwell asked Architect Marvin Johnson where he was on the Central Maintenance plans. Mr. Johnson said he was about 10 days away from being completed. Supervisor Caldwell said it would take several days to put out for bid. Mr. Johnson said he would have the plans ready by the August 5th. Board meeting and then, by the middle of next month, possible construction could start.

Supervisor Caldwell asked Mr. Johnson if he had looked at the site property on the landfill for
ITEM G.9, CONTINUED,

the equestrian arena. Mr. Johnson said he would look at the extreme northwest corner of the property for this site.

Supervisor Tommy Lewis asked how long on the DHS building to be completed. Mr. Johnson said there is still 2 or 3 weeks before completion. Supervisor Lewis asked if notice had been given to Billy Meyers. County Administrator David Armstrong said he has given Billy Meyers notice. Supervisor Jessie Medlin asked if the lease agreement for the DHS had been received from the State. David Armstrong said it has been sent in to the State, but we have not received it back yet.

No motions were made on this item.

Supervisor Jessie Medlin made the motion and Supervisor Gerald Clifton seconded the motion to adjourn until August 5TH, 2002 at 9:00 a.m. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----	YES
Supervisor Eugene Thach-----	YES
Supervisor Gerald Clifton-----	YES
Supervisor John Caldwell-----	ABSENT
Supervisor Tommy Lewis-----	YES

THIS the 22ND. day of July, 2002, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Jessie L. Medlin, President
DeSoto County Board of Supervisors